

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: Robert Arthur Josephs and Dianne Kiddell Josephs DEBTOR(S)	§ § § §	CASE NO. 14-36922-H2-13 CHAPTER 13
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**BANKRUPTCY RULE 2016(b) DISCLOSURE AND
APPLICATION FOR APPROVAL OF FIXED FEE AGREEMENT**

J. THOMAS BLACK files this Fed. R. Bankr. P. 2016(b) Disclosure and Application for Approval of Fixed Fee Agreement.

1. I have agreed to provide the following services to the Debtor(s) on a fixed fee basis:
 - A. Counsel with the Debtor(s) on an as needed basis.
 - B. Prepare and file a proposed chapter 13 plan and any required amendments to the plan. If required, I will file a "Uniform Motion to Amend Confirmed Chapter 13 Plan to Satisfy Recently Filed, Timely Proofs of Claim" in accordance with BLR 3015-1(e).
 - C. Assist the Debtor(s) in preparing and filing the documents required by § 521 of the Bankruptcy Code and any required amendments.
 - D. Prepare and file miscellaneous motions required to protect the Debtor(s)' interests in the case.
 - E. Prepare and file responses to motions filed against the Debtor(s)—even if the response is a statement that the relief is not opposed.
 - F. Attend the § 341 meeting.
 - G. Attend the confirmation hearing, if required under the circumstances, pursuant to an order entered in the chapter 13 case, or pursuant to local rules.
 - H. Advise the Debtor(s) concerning their obligations and duties pursuant to the Bankruptcy Code, Bankruptcy Rules, applicable court orders and the provisions of their chapter 13 plan.
2. The fixed fee agreement does not include the following services:
 - A. Representation of the Debtor(s) in an adversary proceeding, either as a plaintiff or a defendant.
 - B. Representation of the Debtor(s) in a contested matter, the subject of which is extraordinary in the context of chapter 13 cases in the United States Bankruptcy Court for the Southern District of Texas.
 - C. Representation of the Debtor(s) in any matter in which the Court orders fee shifting pursuant to which fees are to be paid by a person other than the Debtor(s).

D. Except as set forth in paragraph 1B or paragraph 4, representation on matters for which the first hearing is set more than 120 days following confirmation.

3. I have agreed to the following fees and reimbursements:

A. I have agreed to a fixed fee (including all expenses except reimbursement of the filing fee) in the amount of \$3,500.00. I have received \$0.00 for representing the Debtor in this case. Therefore the balance due from the trustee as an administrative expense is \$3,500.00. I agree that if the case is dismissed before the plan is confirmed or less than 120 days after confirmation, the maximum fee allowed under this provision is \$3,100.00. If the chapter 13 plan is not confirmed by the conclusion of the first confirmation hearing that occurs after the non-governmental claims bar date, then I agree that the fee will be reduced by \$300.00

B. I have advanced the filing fee of \$0.00. Therefore, in addition to the amounts set forth above, the trustee shall reimburse to me that sum as an administrative expense of the estate.

C. I will provide those services required after the Debtor makes the final payment required under the chapter 13 plan to assist my client in obtaining a chapter 13 discharge. There will be no additional charge imposed for this service, unless the service required to obtain the discharge is extraordinary, in which event I may apply for additional fees.

4. The following services will also be provided, if needed, on a fixed fee basis. Payment may be made directly by the Debtor(s) or through the confirmed plan:

A. ☒ [X]. Motions for relief from the stay for which the first hearing date is more than 120 days following confirmation and which are resolved by agreement. The fixed fee is in the amount of \$275.00.

B. ☒ [X]. Motions filed by the chapter 13 trustee seeking dismissal of the case, for which the first hearing date is more than 120 days following confirmation, and for which there is an agreement or no opposition. The fixed fee is in the amount of \$275.00.

C. ☒ [X]. Debtor(s)' motion to modify plan for which the first hearing date is more than 120 days following confirmation. The fixed fee is in the amount of \$600.00, plus the actual out-of-pocket postage costs for service of the motion to modify plan.

D. ☒ [X]. Review of a Notice by Mortgage Holder of Adjusted Payment Amount which is filed more than 120 days following confirmation. The fixed fee is in the amount of \$300.00.

E. ☒ [X]. Any legal services rendered that are not covered by an agreed fixed fee in paragraphs (A)-(D) above shall be provided on an hourly fee basis at a rate not to exceed \$425.00. All hourly fees are subject to approval by the Bankruptcy Court after the filing and service of a proper fee application.

5. I have not shared or agreed to share any of the compensation paid or to be paid. The following sets forth all of the compensation that is being paid by any person or entity other than the Debtor(s). Describe: None.

6. Counsel Certifications:

A. I certify that the foregoing is a true and correct statement of the compensation that I have been paid or that has been agreed to be paid to me.

B. I certify that the undersigned attorney (or another attorney supervised by the undersigned and who is licensed to practice law) met in person with the Debtor(s) for not less than 1 hour. I understand that time spent exclusively with a paralegal or other person not licensed to practice law may not be included in the 1 hour.

Date: December 18, 2014

J. THOMAS BLACK, P.C.

/s/ J. Thomas Black

J. Thomas Black

Attorney in Charge for Debtors

State Bar No. 02373400

2600 S. Gessner, Ste 110

Houston, Texas 77063

(713) 772-8037 - Telephone

(713) 772-5058 - Telecopier